

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, SEPTEMBER 9, 19 75

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council Chambers
Tuesday evening September 9 A.D., 19 75, in Regular
Session. President James S. Stier in the chair, and
Charles W. WEsterman Clerk, at the desk, present the following
members _____ viz:
Burns ✓, Hinga ✓, Kraus ✓
Moses ✓, Nuckols A, Donald Schmidt ✓
Vivian Schmidt ✓, Stier ✓, Talarico ✓
Absent ✓
Councilmen _____, _____,
_____, _____,

The invocation was given by Reverend Isaac Fincher, ^{view} Broadway Baptist

Received report from the City Controller for the month of _____,
19 _____. Motion made and carried that report be made a matter of record and
placed on file.

The minutes of the last regular _____, 19 _____,
special _____, 19 _____,

Session having been delivered to the Council, were, on motion, approved and
published.

September 9, 1975

Eternal God tonight we have assembled ourselves around the council table to discuss and give guidance to a city and its administration that the people of Fort Wayne and neighboring town and villages will see their great work, and recognize that it is a new day with us, but with God's time is just one day. Therefore, we must never forget Economic Generation, Spiritual Re-Generation and they both rest on Discipline. We must obey the laws of the land. But when a law becomes contrary to it inhabitant, continue Dear God to Give us Guidance to Assemble and reassemble around the city council table and the court rooms around the land; that we may shake the very foundation of a nation so it will stand up and not lean because of party, religion, or any other National Institutional Structure; but stand up for right and justice because in the sight of God and Brotherly Love it is only right and just to do so.

"Bless us Lord this Day Amen"



THE CITY OF FORT WAYNE
office of the mayor

August 26, 1975

To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Today, August 26, 1975, I have approved the following ordinances passed by the Common Council at the special meeting of August 25, 1975.

(Bill No. A-75-07-22)
(AS AMENDED)

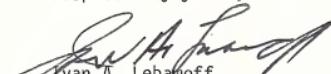
APPROPRIATION ORDINANCE NO. A-38-75

AN ORDINANCE appropriating money for the purposes of defraying the expenses of the several departments of the City Government of the City of Fort Wayne, Indiana, for the fiscal year beginning January 1, 1976, including all outstanding claims and obligations and fixing a time when the same shall take effect

(Bill No. S-75-07-21)
(AS AMENDED)
SPECIAL ORDINANCE NO. S-148-75

AN ORDINANCE fixing the tax levy for the City of Fort Wayne for the year 1976

Respectfully yours,


Ivan A. Lebamoff
Mayor

MADE A MATTER OF RECORD
DATE 4/9/75 CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE
office of the mayor

August 27, 1975

To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Today, August 27, 1975, I have approved the following ordinances passed by the Common Council at the regular meeting of August 26, 1975.

(Bill No. A-75-08-01)
APPROPRIATION ORDINANCE NO. A-39-75

AN ORDINANCE transferring certain funds in the 1975 Budget of the Park Department

(Bill No. A-75-08-02)
APPROPRIATION ORDINANCE NO. A-40-75

AN ORDINANCE transferring certain funds from the Cumulative Capital Improvement Fund Account to Building, Structure & Improvements

(Bill No. A-75-08-03)
APPROPRIATION ORDINANCE NO. A-41-75

AN ORDINANCE transferring certain funds in various accounts of the 1975 Budget of the Park Department

(Bill No. A-75-08-04)
APPROPRIATION ORDINANCE NO. A-42-75

AN ORDINANCE transferring certain funds for reimbursements of expenditures from Cooperative Office Education Program, Revenue Sharing Recreation Support Program in the Park Department

(Bill No. A-75-08-05)
APPROPRIATION ORDINANCE NO. A-43-75

AN ORDINANCE transferring certain funds in the 1975 Budget of the Fire Department

MADE A MATTER OF RECORD
DATE 9/8/75 CHARLES W. WESTERMAN, CITY CLERK

(Bill No. A-75-08-31)
APPROPRIATION ORDINANCE NO. A-44-75

AN ORDINANCE appropriating certain unobligated funds from the Cumulative Capital Improvement Fund for the 1975 Budget of the City of Fort Wayne

(Bill No. S-75-08-06)
SPECIAL ORDINANCE NO. S-149-75

AN ORDINANCE approving a certain bid document for construction of Tennis Courts and Fencing

(Bill No. S-75-08-07)
SPECIAL ORDINANCE NO. S-150-75

AN ORDINANCE approving a certain bid document with CMI, INCORPORATED for radar units for Board of Public Safety

(Bill No. S-75-08-08)
SPECIAL ORDINANCE NO. S-151-75

AN ORDINANCE approving a certain bid document with REITH-RILEY CONSTRUCTION COMPANY for construction of Bike Trails

(Bill No. R-75-08-38)
RESOLUTION NO. R-49-75

A RESOLUTION authorizing the temporary advancement of funds from the REVENUE SHARING TRUST FUND to the GENERAL FUND, FIRE PENSION FUND, POLICE PENSION FUND, AND PARK GENERAL FUND for the period ending December 31, 1975

(Bill No. Z-75-03-13)
(AS AMENDED)
ZONING MAP ORDINANCE NO. Z-09-75

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. A-1

(Bill No. Z-75-07-13)
ZONING MAP ORDINANCE NO. Z-10-75

AN ORDINANCE amending the City of Fort Wayne Addendum Zoning Map No. X-11

(Bill No. S-75-08-16)
SPECIAL ORDINANCE NO. S-152-75

AN ORDINANCE approving Change Order No. 2 in connection with Resolution 5648-74, Contract E, Curb and Sidewalk Project

(Bill No. S-75-08-17)
SPECIAL ORDINANCE NO. S-153-75

AN ORDINANCE approving a contract with JOHN DEHNER, INC. for Resolution 5689-1975, Sherman Boulevard Underpass Modification

(Bill No. S-75-08-18)
SPECIAL ORDINANCE NO. S-154-75

AN ORDINANCE approving a contract with EWING NURSERY & LANDSCAPING, INC. for
Landscaping Mini Park at Wells and Third Streets

(Bill No. S-75-08-19)
SPECIAL ORDINANCE NO. S-155-75

AN ORDINANCE approving a contract with L. B. FOSTER COMPANY for equipment in
connection with Sherman Boulevard Underpass Modification Resolution 5689-1975

(Bill No. S-75-08-20)
SPECIAL ORDINANCE NO. S-156-75

AN ORDINANCE approving a contract with L. W. DAILEY for Resolution 5686-75,
Monroe Street Neighborhood Package Improvement

(Bill No. S-75-08-21)
SPECIAL ORDINANCE NO. S-157-75

AN ORDINANCE approving a contract with R. W. KAIN, INC., for installation of
Car Wash at Lafayette Street Complex

(Bill No. S-75-08-22)
SPECIAL ORDINANCE NO. S-158-75

AN ORDINANCE approving a contract with HIPSKIND ASPHALT for Resolution 5680-75,
St. Joe Road Improvement

(Bill No. S-75-08-23)
SPECIAL ORDINANCE NO. S-159-75

AN ORDINANCE approving a contract with CONTINENTAL CONSTRUCTION COMPANY, INC.
for miscellaneous repairs on streets, alleys, sidewalks and curbs

(Bill No. S-75-08-24)
SPECIAL ORDINANCE NO. S-160-75

AN ORDINANCE approving a contract with L. W. DAILEY, INC., for Resolution 5683-75,
Gaywood Drive Sidewalk

(Bill No. S-75-08-25)
SPECIAL ORDINANCE NO. S-161-75

AN ORDINANCE approving a contract with CENTRAL SUPPLY COMPANY for materials
to be used in Special Lighting Projects

(Bill No. S-75-08-26)
SPECIAL ORDINANCE NO. S-162-75

AN ORDINANCE approving a contract with ALLEN COUNTY MOTORS for automobile for
Water Pollution Control

(Bill No. S-75-08-27)
SPECIAL ORDINANCE NO. S-163-75

AN ORDINANCE approving a contract with XEROX CORPORATION for paper

(Bill No. S-75-08-28)
SPECIAL ORDINANCE NO. S-164-75

AN ORDINANCE approving contracts for the purchase of materials for Water Maintenance and Service Department

(Bill No. S-75-08-29)
SPECIAL ORDINANCE NO. S-165-75

AN ORDINANCE approving a contract with BROOKSIDE LINCOLN MERCURY for automobile for Water Pollution Control Engineering Department

(Bill No. S-75-08-30)
SPECIAL ORDINANCE NO. S-166-75

AN ORDINANCE approving a contract with CLOW CORPORATION for pipe for Water Maintenance and Service Department

(Bill No. G-75-08-09)
GENERAL ORDINANCE NO. G-24-75

AN ORDINANCE providing for the establishment of an Urban Homesteading program, in accordance with Indiana State Law IC 1971, 18-7, as amended, authorizing Neighborhood Care, Inc. to administer such program on behalf of the City, and authorizing the execution of a contract with the United States of America, under Section 810 of the Housing and Community Development Act of 1974, related to urban homesteading

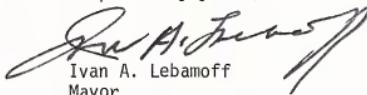
(Bill No. G-75-08-10)
(AS AMENDED)
GENERAL ORDINANCE NO. G-25-75

AN ORDINANCE providing for the incorporation of a quasi-public corporation to be known as the Neighborhood Care, Inc., providing for the selection of its Board of Directors and defining its powers and duties

(Bill No. R-75-08-11)
RESOLUTION NO. R-50-75

A RESOLUTION approving the Articles Of Incorporation of Neighborhood Care, Inc.

Respectfully yours,


Ivan A. Lebamoff
Mayor



COMMUNITY DEVELOPMENT AND PLANNING
long range planning and zoning

August 29, 1975

COMMUNICATIONS FROM CITY PLAN COMMISSION

The Common Council of the City
of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802.

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance Number 2836, amending Chapter 36, of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-75-01-26

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
29th day of August, 1975.

Charles N. Hall
Secretary

MADE A MATTER OF RECORD

DATE 9/9/75 CHARLES W. WESTERMAN, CITY CLERK

an equal opportunity employer





COMMUNITY DEVELOPMENT AND PLANNING

long range planning and zoning

August 29, 1975

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held March 24, 1975. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance.

1. Bill No. Z-75-01-26
2. From "RA" to "M1"
3. Intended Use: Industrial Park
4. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reasons:

This would be the best use of this property as a limited industrial park.

The tremendous amount of site preparation necessary prior to development would make single family uses economically prohibitive.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING
Division of Long Range Planning
and Zoning

James Geraghty (pr)
James Geraghty
Director

JG:pr
Att.

cc: Mayor Ivan Lebamoff

an equal opportunity employer



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 28, 1975, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-75-01-26; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 17, 1975;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

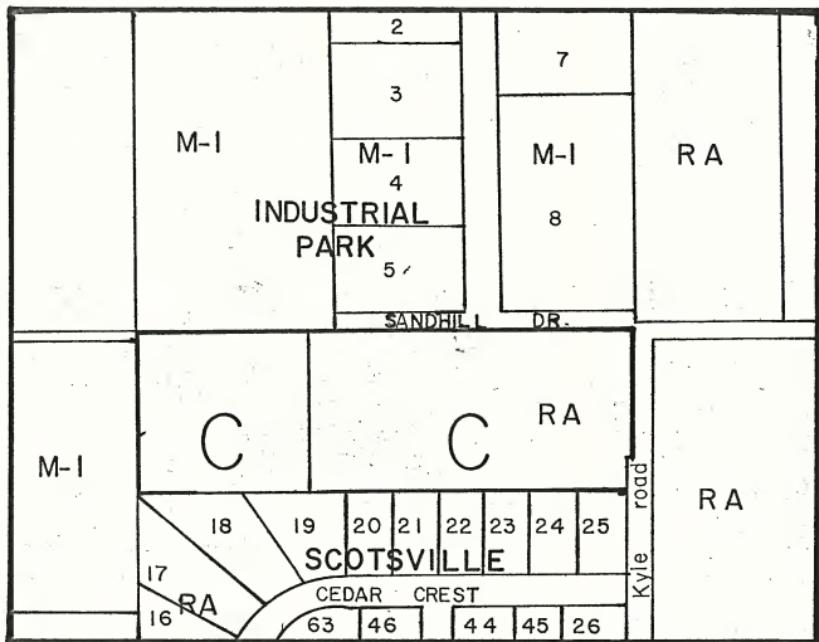
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 24, 1975.

Certified and signed this
29th day of August, 1975.



Charles N. Hall
Secretary



RECLASSIFYING from RA to M-I

2-75-01-26

I-7-75

EE 8

L, S

STATE OF INDIANA

INDIANA STATE HIGHWAY COMMISSION
100 North Senate Avenue
Indianapolis, Indiana 46204



INDIANAPOLIS

Room 1101, State Office Building
317-633-5816

August 25, 1975

City Clerk
City-County Building
Fort Wayne, Indiana 46802

Re: SR 1 & Lower Huntington Rd.
City of Fort Wayne
Allen County
Turning movements

Dear Sir:

Attached is a copy of a resolution controlling turning movements at the intersection of SR 1 and Lower Huntington Road, City of Fort Wayne, Allen County, as approved by the State Highway Commission on August 25, 1975.

Very truly yours,

Clinton A. Venable
Clinton A. Venable
Chief, Division of Traffic

cc: Mayor I. Lebamoff
Clerk of Circuit Court
State Police
Fort Wayne District

CAV/md

MADE A MATTER OF RECORD
DATE 9/9/75 CHARLES W. WESTERMAN, CITY CLERK
CL

NOTICE OF OFFICIAL ACTION
OF
INDIANA STATE HIGHWAY COMMISSION

WHEREAS, under and by virtue of the Statutes of the State of Indiana relative to traffic regulation, the Indiana State Highway Commission has the authority and the duty to adopt and promulgate regulations in the interest of the safety and convenience of the traveling public using the highways, including streets in cities and towns, under the control of said Commission, be it known that the following traffic regulation is hereby adopted:

Turning movements shall be controlled at the intersection of SR 1 (Baer Field Expressway) and Lower Huntington Road, City of Fort Wayne, Allen County, as follows:

"RIGHT TURN ON RED" shall be permitted on the north, south, east and west approaches of the intersection of SR 1 (Baer Field Expressway) and Lower Huntington Road.

Revised 8-6-75

NOTE: This action amends and/or supersedes previous official action at the above named location (s).

ADOPTED THIS 25th DAY OF August 1975

Approved: Clinton A. Charable Indiana State Highway Commission
Chief, Division of Traffic

Approved: John L. Eber BY: Reg. Pittman
Chief of Highway Operations Executive Director

Approved: William L. May ATTEST:
Chief Highway Engineer

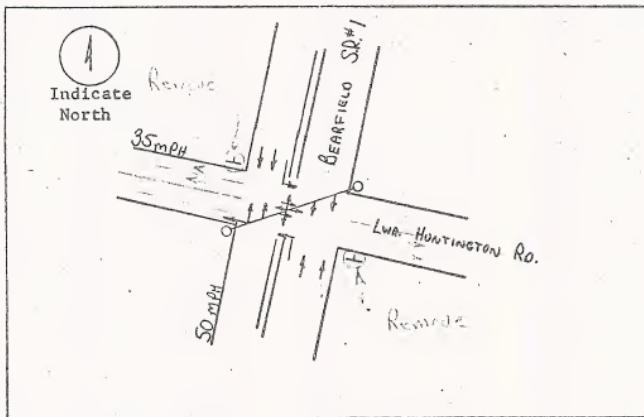
W. D. Schaefer
Secretary to the Commission

216-75

NO TURN ON REDCommission Number 01-002-151 District FORT WAYNECity FORT WAYNE County ALLENLocation SR #1 (BLADEFIELD EXPRESSWAY) & LWA Huntington Rd.Investigated by T.C. Lindsey & B.B. Shaffer Date Investigated 5-9-74
REINVESTIGATED 8-6-75 B. Shaffer

"TURN ON RED" PROHIBITED/PERMITTED as indicated for each approach:

Approach	Prohibited/ Permitted	Reason for Prohibition
S	PROHIBITED	A TURN LANE IS PROVIDED AT APPROX. 8-11 A SEPARATE SIGNAL PHASE FOR TURN
E	PERMITTED	A TURN LANE IS PROVIDED AT APPROX. 8-11
N	PROHIBITED	A SEPARATE SIGNAL PHASE FOR TURN
W	PERMITTED	

NO TURN ON RED sign indicated by 1

131

STATE - INDIANA

INDIANA STATE HIGHWAY COMMISSION
100 North Senate Avenue
Indianapolis, Indiana 46204



INDIANAPOLIS

Room 1101, State Office Building
317-633-5816

August 27, 1975

City Clerk-Treasurer
City Court House
Fort Wayne, Indiana 46800

Re: Highway Railway Grade Crossing
Passive Protection Program

Dear Sir:

Attached is a copy of the fully executed agreement for
the above captioned program. This copy is for your file.

We thank you for your cooperation.

Very truly yours,

Clinton A. Venable
Chief, Division of Traffic

Donald F. Petty

By: Donald F. Petty
Engineer Traffic Safety Operations

CAV/DFP/tm

attach.



MADE A MATTER OF RECORD
DATE 9/9/75 CHARLES W. WESTERMAN, CITY CLERK



AGREEMENT

HIGHWAY - RAILWAY GRADE CROSSING PASSIVE PROTECTION

THIS AGREEMENT, made and entered into by and between the STATE OF INDIANA, acting by and through the Indiana State Highway Commission, hereinafter called the State, and the City of Fort Wayne, Indiana hereinafter called the City.

WITNESSETH

WHEREAS, The Highway Safety Act of 1973 (Public Law 93-87, 93rd Congress) requires that the State conduct and maintain a survey to identify problem rail-highway crossing locations on all highways and establish and implement a priority schedule of improvements, and

WHEREAS, this Act also requires, as a minimum, that all railroad crossings be properly signed and marked. Furthermore, this Act authorizes substantial Federal funding for this program, and

WHEREAS, The State and City, in the interest of public safety, desire to participate in this program which is to upgrade the passive protection for all of the rail-highway crossings under the jurisdiction of the City to minimum standards, as established by the State, to provide minimum protection for motorists in accordance with prevailing conditions of sight distance, volume of train movements, type of highway, number of tracks and other engineering features, and

WHEREAS, under Chapter 201 of the Acts of the 1961 General Assembly of the State of Indiana, Section 27 of Chapter 18 of the Acts of 1933, and other Acts amendatory thereof and supplemental thereto, the Indiana State Highway Commission is authorized "to cooperate with the United States Government under any Federal

"law in any manner necessary to secure for the State of Indiana the proportion of any Federal appropriation which may be made in the future."

NOW, THEREFORE, in consideration of the premises and the mutual dependent covenants herein contained, the parties hereto agree as follows:

SECTION 1: The State shall conduct the necessary sample survey to determine the total amount of work to be accomplished. This survey will be conducted in cooperation with the AAR-DOT Inventory, if the Railroad Companies participate in this Inventory.

SECTION 2: The State shall install all warning signs and pavement markings and furnish all materials for the work to be completed, in accordance with the Manual on Uniform Traffic Control Devices, after all Federal Highway Administration approvals are obtained and monies are obligated.

SECTION 3: In the case of the termination of a Railroad as an existing carrier by rail in Indiana, the warning signs may be relocated or otherwise used as desired by the City.

SECTION 4: The City agrees to permit the State to install Railroad warning signs and pavement markings upon the right-of-way under the jurisdiction of the City, after which time they shall become the property of the City.

SECTION 5: The City agrees to maintain the warning signs, at its own cost and expense, after the completion of this project. This maintenance may become desirable because of vandalism, accidents, aging or any other cause.

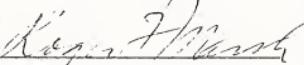
THIS AGREEMENT shall be binding upon the parties hereto, their successors or assigns.

IN WITNESS WHEREOF, the parties have caused these presents to be executed by their proper officers thereunto duly authorized.

INDIANA STATE HIGHWAY COMMISSION

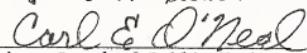
CITY OF Fort Wayne, Indiana

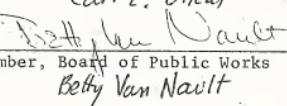
APPROVED:


Roger Marsh

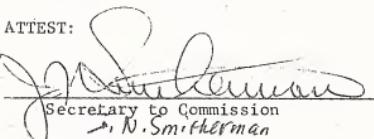
APPROVED:


J.D. Boswell
Member, Board of Public Works

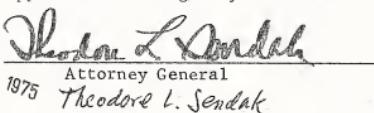

Carl E. O'Neal
Member, Board of Public Works


Betty Van Nault
Member, Board of Public Works

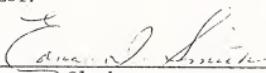
ATTEST:


J.N. Smitherman
Secretary to Commission

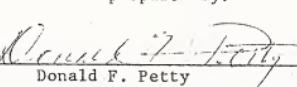
Approved as to legality and form:


AUG 22 1975
Theodore L. Sendaak
Attorney General

ATTEST:


Edna I. Smith
Clerk

This document prepared by:

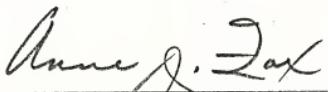

Donald F. Petty
Indiana State Highway Commission

ACKNOWLEDGMENT

STATE OF INDIANA, Allen COUNTY, SS:

Before me, the undersigned Notary Public, in and for said County, personally appeared JERRY D. BOSWELL, CARL E. O'NEAL, BETTY LOU NAULT and EDNA I. SMITH
(Names of signers for City)

and acknowledge the execution of the foregoing agreement on this 2nd day of July, 1975, and subscribe and swear to the aforesated declarations before me on this date.


Anne J. Fox
Notary Public

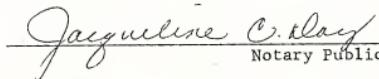
My commission expires March 6, 1976.

ACKNOWLEDGMENT

STATE OF INDIANA, COUNTY OF MARION, SS:

Before me, the undersigned Notary Public, in and for said county, personally appeared Roger T. March, Executive Director of the Indiana State Highway Commission and acknowledged the execution of the foregoing agreement on this 13 day of August, 1975.

Witness my hand and seal the said last named date.


Jacqueline C. Clay
Notary Public

My commission expires May 10, 1978.

The Council then adjourned.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 9th day of September, 1975; that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 9th day of September, 1975.

Charles W. Westerman
City Clerk

SEAL